

Notice of Allowability

Application No.

09/982,824

Applicant(s)

KINJO, NAOTO

Examiner

Naeem Haq

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/8/2007.
2. ☒ The allowed claim(s) is/are 8-11, 13-21 and 39.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application
- ☒ Interview Summary (PTO-413), Paper No./Mail Date 4/29/2007.
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

NAEEM HAQ
PRIMARY EXAMINER



DETAILED ACTION

Response to Amendment

This action is in response to the Applicant's amendment filed on February 8, 2007. Claims 1-11 and 13-44 are pending. Claims 1-7, 22-38, and 40-44 were withdrawn in a previous Office Action. Claims 8-11, 13-21, and 39 will be considered for examination.

Applicant's amendment is sufficient to overcome the objection to the specification given in the previous Office Action. This objection is withdrawn.

Applicant's amendment is sufficient to overcome the rejection of claims 11 and 12 under 35 U.S.C. 112, first and second paragraphs. This rejection is withdrawn.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Richard Gallagher on April 30, 2007.

Please amend the claims as follows:

Please cancel claims 1-7, 22-38, and 40-44.

Allowable Subject Matter

Claims 8-11, 13-21, and 39 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Statement of allowance is in reference to independent claim 8.

The present application is directed to an ordering system comprising a first, second, and third apparatus that orders an image displayed on the first apparatus. Independent claim 8 recites the uniquely patentable feature that the order data is transmitted in advance as reservation information and that the selected time of an image displayed is based on the reservation information reserved by a customer.

Discussion of the most relevant prior art:

The following references have been identified as the most relevant prior art to the claimed invention.

(i) US 5,666,215 to Fredlund et al. ("Fredlund"). Fredlund substantially discloses the claimed invention. However, Fredlund does not teach or suggest that the order data is transmitted in advance as reservation information and that the selected time of an image displayed is based on the reservation information reserved by a customer.

(ii) GB 2 407 227 A to Deluxe Laboratories, Inc. ("Deluxe"). Deluxe generally discloses applying security codes to moving picture so that counterfeit copies can be detected. Deluxe does not teach or suggest that the order data is transmitted in advance as reservation information and that the selected time of an image displayed is based on the reservation information reserved by a customer.

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(iii) Dialog File 275: "When your PC swallows the TV; television becomes and interactive medium – at last." by Phil Patton ("Patton"). Patton teaches capturing TV images and using them as screen savers or as .WAV files. Patton does not teach or suggest that the order data is transmitted in advance as reservation information and that the selected time of an image displayed is based on the reservation information reserved by a customer.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571)-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NAEEM HAQ
PRIMARY EXAMINER



April 30, 2007